
From: Meghan McCaffrey
Sent: Wednesday, June 24, 2015 2:50 PM
To: Balter, Emily J.; Daniel Koffmann; Keith Forst; Eric Lyttle; Mike Lyle; William Burck; Stephen Hauss; Jaime Kaplan; Selina MacLaren
Cc: Blackman, Jonathan I.; Liman, Lewis J.; Morag, Boaz S.; Terceno, Joaquin; Tambay, Esti; Karlan, Matthew M.; Reents, Scott
Subject: RE: Rio Tinto v. Vale, et al.

Emily,

As I'm sure you'll recall from Monday, at no time did Judge Peck order Rio Tinto to make a "discrete" or "separate" production of the investigator invoices or even to "identify such documents by bates number" when they are produced. This continues a troubling pattern in which Vale has misrepresented the Court's orders around these materials. We again invite you to read the transcript from the June 1, 2015 conference (and now Monday's conference) to shed further light on this point.

Nonetheless, we'll take your email as the professional and courteous request that we assume it was meant to be. As we confirmed yesterday and as Judge Peck agreed, we will produce the requested documents "by June 30." 6/22/2015 Hr'g at 12:5. As a courtesy, we will agree to provide the bates numbers for those documents on the condition that Vale reciprocally agree to provide the bates numbers for its investigator materials, referred to by Mr. Liman at yesterday's hearing before Judge Berman. Please confirm that Vale will indeed be producing those materials by June 30 and similarly, that you will identify those documents by bates numbers when they are produced.

Best,
Meghan

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From: Balter, Emily J. [mailto:ebalter@cgsh.com]
Sent: Wednesday, June 24, 2015 1:57 PM
To: Daniel Koffmann; Meghan McCaffrey; Keith Forst; Eric Lyttle; Mike Lyle; William Burck; Stephen Hauss; Jaime Kaplan; Selina MacLaren
Cc: Blackman, Jonathan I.; Liman, Lewis J.; Morag, Boaz S.; Terceno, Joaquin; Tambay, Esti; Karlan, Matthew M.; Reents, Scott
Subject: RE: Rio Tinto v. Vale, et al.

Eric:

You have not responded to our email below requesting confirmation by the end of the day yesterday that Rio Tinto's production of the investigators materials will be made separately from the remainder of its previously scheduled June 30 production (or else identified by bates number). This is a pressing matter that we intend to raise with the Court at 3:30 pm this afternoon unless you confirm before then that the production will be separate.

Best,
Emily

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From: Balter, Emily J.
Sent: Tuesday, June 23, 2015 3:20 PM
To: Daniel Koffmann; Meghan McCaffrey; Keith Forst; Eric Lyttle; Mike Lyle; William Burck; Stephen Hauss; Jaime Kaplan; Selina MacLaren
Cc: Blackman, Jonathan I.; Liman, Lewis J.; Morag, Boaz S.; Terceno, Joaquin; Tambay, Esti; Karlan, Matthew M.; Reents, Scott
Subject: Rio Tinto v. Vale, et al.

Dear Eric:

As you are aware, Judge Peck has ordered that Rio Tinto make a discrete production of the invoices and other documents with respect to the investigators, which Rio Tinto stated it will comply with by June 30, 2015. (June 22, 2015 Tr. 11:3-12:7.) We write to confirm that, consistent with its representations to the Court and the Court's order, Rio Tinto will produce these documents separately from the scheduled production it was already under an obligation to make on June 30 or else that it will identify such documents by bates number when they are produced. Please confirm by the end of today that you will do so.

Best,
Emily

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